THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

On Monday, the seventh day of November,

two thousand and five.

W.P.Nos.14507 & 16142 of 1996

W.P.No.14507 of 1996:

Garapati Nukalu and others.

Petitioners.

And:

The Union of India, represented by its Secretary,

(Law Department), Sastry Bhavan, New Delhi and others.

Respondents.

W.P.No.16142 of 1996:

G. Nageswara Rao and others.

Petitioners.

And:

The Union of India, represented by its Secretary,

(Law Department), Sastry Bhavan, New Delhi and others.

Respondents.

COMMON ORDER:

These petitions are filed seeking a writ of mandamus to declare the action of the respondents in including certain villages in the schedule area, as illegal.

Since a Division Bench of this Court in **Garapati Acharyulu & others Vs. Government of India[1],** held that a writ of mandamus cannot be issued unless there is a wrong action, or inaction, when they did not even make application to the Governor to consider to delete the named villages from the ambit of scheduled areas, a writ petition for mandamus does not lie and if aggrieved, they only have to make a representation to the Governor with a

request for deletion of the areas, in as much as inclusion or deletion of any area in or from a schedule area exclusively rests with the President, who acts in consultation with the Governor.

In view thereof, petitioners are not entitled to the relief sought in the petition, but they are at liberty to make representation to the Governor ventilating the grievances. The writ petitions are disposed of accordingly. No order as to costs.

JUSTICE C.Y.SOMAYAJULU

7th November 2005.

BCS